

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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JEEUN FRIEL, Individually and on behalf :
of all others similarly situated, :
Plaintiff, :
v. :
DAPPER LABS, INC. AND ROHAM :
GHAREGOZLOU, :
Defendants. :
-----X

21 Civ. 5837 (VM)

**CIVIL CASE MANAGEMENT PLAN
AND SCHEDULING ORDER**

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case is to be tried to a jury.
2. No additional parties to be joined without leave of the Court.
3. No further amended pleadings may be filed without leave of the Court.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than April 12, 2023.
5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than _____; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than June 17, 2024.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by May 17, 2023.
 - b. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York shall be served by June 2, 2023. Interrogatories pursuant to Rule 33.3(c) of the Local Civil Rules of the Southern District of New York shall be served no later than March 18, 2024.

- c. Depositions to be completed by June 17, 2024.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. Depositions of all parties shall proceed during the same time.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
 - d. Any additional contemplated discovery activities and the anticipated completion date:

N/A
 - e. Requests to Admit to be served no later than March 18, 2024.
7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:
- a. Plaintiffs' Expert reports due July 17, 2024.
 - b. Depositions of Plaintiffs' Experts to be completed by August 19, 2024.
 - c. Defendants' Expert reports due September 19, 2024.
 - d. Depositions of Defendants' Experts to be completed by October 21, 2024.
8. Contemplated motions:
- a. Plaintiffs: Motion for class certification due January 17, 2024.
 - b. Defendants: Motion for summary judgment due November 19, 2024. Plaintiffs' opposition due December 23, 2024. Defendants' reply due January 23, 2025.
9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than August 30, 2024.
10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?
- No.

TO BE COMPLETED BY THE COURT:

11. The next Case Management Conference is scheduled for August 4, 2023 at 11:00 a.m.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and Jury instructions shall be filed with the Joint Pretrial Order. No motion for summary Judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York
 04 / 18 / 2023



VICTOR MARRERO
U.S.D.J.